

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 05-2760

In Re: CITX CORPORATION, INC.,
Debtor

GARY SEITZ, Chapter 7 Trustee
for CitX Corporation, Inc.,
Appellant

v.

DETWEILER, HERSHEY AND ASSOCIATES, P.C.;
ROBERT SCHOEN, C.P.A.

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 03-cv-06766)
District Judge: Honorable James T. Giles

Argued April 27, 2006

Before: AMBRO and FUENTES, Circuit Judges,
and IRENAS, * District Judge

(Opinion filed: May 26, 2006)

ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed

*Honorable Joseph E. Irenas, Senior District Judge for the District of New Jersey,
sitting by designation.

May 26, 2006, be amended as follows:

On page 10, bottom paragraph, first line, replace “on this claim” with “on his malpractice claim”.

On page 10, note 7, line three, replace the words “duty element” with “duty-owed element”.

On page 12, full paragraph, line four, replace “one million dollars” with “\$1,000,000”.

On page 12, full paragraph, lines five and six, replace the sentence, “Rather, it lessened CitX’s insolvency.” with “It did the opposite.”

On page 12, full paragraph, line eleven, replace the sentence, “This hardly deepened insolvency.” with “Insolvency decreased rather than deepened.”; and insert the word “later” after the word “Any”.

On page 12, third paragraph, line four, replace the word “backward” with the words “through hindsight bias”.

On page 13, lines four and five from the top of the page, replace “Put another way” with “In any event”.

On page 20, second paragraph, line nine, replace the word “holding” with the words “interpreting *Lafferty* to hold”.

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: June 6, 2006